Received 8/12/13

Town of Danville

August 5, 2013

US EPA
ATTN: MR. NEWTON TEDDER
5 Post Office Square, Suite 100
Mail Code OEP06-1
Boston, MA 02109-3912

Dear Mr. Tedder:

The Town of Danville New Hampshire has concerns and comments regarding the 2013 Draft Small MS4 General Permit and have listed them below. This list of concerns was generated through many discussions with the Danville Board of Selectmen, the Danville Stormwater Department/Road Agent and our Stormwater Consultant (CEI), the Danville Conservation and Forestry Commissions and Planning Board, and our representatives to the Southeast Watershed Alliance.

The Town of Danville is a small rural community of 4,387 people in southeastern New Hampshire and a population of 2,890 in our urbanized area (UA) of the MS4. The town does not have public sewage. The Town of Danville has 7,070 acres of land; our green infrastructure is strongly supported by 3,451 acres of Open Space land with long term and permanent restrictions on development. The remaining land, due to our zoning and natural terrain features, is predominantly forested. This acreage provides for natural infiltration of stormwater into watershed areas.

We would appreciate the EPA reviewing our concerns and addressing these points with the level of importance that they were discussed in Danville and generated for your review. These concerns are based upon the fact that Danville is a small town and these initiatives would prove to be very costly for the Town to comply with.

Catchment investigations. Danville has a limited number of catch basins with closed drainage outlets all within 500 feet of the inlet. The main purpose of these catch basins are to decelerate the amount of stormwater flow directly into the watersheds and allow the flow to slowly drain through the natural flow areas. The potential of Danville having to analyze the System Vulnerability Factors will be limited due to the amount of outfalls that the town has. The catch basin cleaning sample testing that was done in 2009 under the 2003 requirements showed normal limits in the samples. Currently there are samplings being processed for 2013. The requirement to perform dry and wet weather investigations testing and sampling costs that

would have to be performed under the 2013 draft permitting would include additional investigations, re-evaluation of the outfalls and monitoring for dry and wet weather sample collections. This would greatly affect the town's budgeting by increasing costs of additional sampling than what is currently done along with testing time frames and what is tested for, especially if there are no observations of any type of illicit discharge parameters showing in the system. It is recommended that this requirement should be regulated by the local community rather than it just being a generalized requirement for all. The ranking of catchments should only be based upon screening factors as determined by the permittee, not regulated with sampling requirements but with review of the requirements. This process for communities would be time consuming and for those assisted by consultants increasingly costly. Currently, regulations for the smaller communities are more based on testing results of their catchment cleanings and when there are good results then testing is at a lesser level and most of the time they are reviewing their catchments during every heavy rain event. To make a general manhole inspection methodology based on storm drain network investigations as a general requirement is not favorable. Some of the MS4 communities do not have manholes at all in their communities, therefore this regulation should be more site specific and not a general requirement.

Additional mapping elements. The requirement to obtain a more developed and detailed mapping of our MS4 elements within 2 years of the permit would be an expensive undertaking for the town. The initial mapping was completed under the MS4-2003 and additional requirements and elements that are required under the new permit would impose a great financial burden to the towns. The new system mapping requirements, including the additional elements required for the maps and time frames requested, causes the smaller towns to expend immediate funds which are not easily or readily available to them due to the budgeting cycles, as well as currently allowable budget amounts that will increase to perform these additional requirements within the time frames requested. This needs to be taken into consideration when requiring times for all items to be completed. A considerable observation to be made are towns that do not have public sewage systems, only private septic systems which are governed by state laws. Also, many towns do not have curbed roadways and zoning requirements of 2 acre building lots.

Inventorying and ranking MS-4 owned property for BMP retrofits. The property the town owns varies from our town buildings to town forest areas and conservation land. The work that would need to be done to determine what needs to be accomplished under the permit could again run into funding issues. To accomplish the mapping to evaluate elevation/topography, underlying soils, expected depth to groundwater and relationship to wetlands would require the town hiring various consultants to accomplish all phases of this regulation especially when the time frame for accomplishing this is very limited.

Stormwater pollution prevention plans. The requirement to prepare SWPPP plans for all permittee owned or operated facilities where pollutants are exposed to stormwater is yet another costly item. To require a Town/City to prepare a SWPPP for all town owned properties is a costly item and the time frame to do this is very restrictive. These plan requirements are overly stringent than what the Federal regulation is currently. The town-owned buildings or facilities in some communities are spread over various parts of the town and would be extremely costly to develop each one. There are also towns with public buildings owned by the town but operated but under the control of a regional SAU and we question who the responsible party is to prepare these plans.

Street sweeping mandate in the spring. This requirement of uncurbed limited access highways to have to develop a street sweeping plan and/or do street sweeping on a yearly basis for our roadways that have no street curbing is an unrealistic request. Aside from the issue of what is the classification of a limited access highway, most roadways are not limited access highways. This requirement has the appearance of gathering nature's resources and disposing of them differently than what was intended. Danville has limited closed drainage and no street curbing. Of the closed drainage that the Town of Danville has, the inlets and outlets are all located within 500 feet, more or less, of each other. The idea of street sweeping or having to hire a street sweeper to sweep up leaves, pine needles, etc. seems excessive as Mother Nature composts them naturally. The Town of Danville uses a limited amount of sand during winter roadway maintenance, therefore avoiding any large amounts of sand flowing off the roadway onto the road edges. The Road Agent for the Town of Danville is also Green Snow Pro certified and is always looking at alternative winter road maintenance procedures. As part of our public education for the MS4-2003 permit the highway department has for the last 9 years hosted a town wide roadside clean up each spring where we ask the residents to clean up the roadsides of litter that has accumulated over the winter and leave the bags on the roadside for pickup by the Highway Department. The bags are available to residents during the year and residents are encouraged to pick up roadside trash, leave the bag and notify the town for pickup of the bag. Each year participation has continued to increase making the roadside cleanup a success throughout the year.

Water Quality Response Plan development. We respectfully pose the following three questions and request guidance: How is a water quality response plan created when the preliminary evaluation of discharges to impaired water and water testing results provided to you from NHDES for the Town of Danville are from 5 to 30 plus years old? How is the determination made as to the accuracy of these test results initially? Finally, based on the aged, potentially inaccurate tests results, location of the testing and criteria held at the time, how should baselines be determined?

Water quality response plans provide an interactive process for addressing discharges that have a potential to cause or contribute to impairments. Considering the pollutant available data on states listings of water quality data, many areas could be derived as incorrect or not current due to the aging of test results listed on NHDES water testing results. The process of addressing discharges for initial assessments including things like leaf litter seems rather ineffective as leaf litter is an example of Mother Nature whereby it composts itself to back to the ecosystem. Properly functioning healthy ecosystems will be damaged if we are required to meet baselines that have been set too high/low relative to normal background values. In our town, and throughout the state, the "impaired waters" list as currently structured creates exactly that situation. The magnitude of this request for a small town like Danville is overwhelming and seemingly needless.

Water Quality Response Plan to address runoff to the Great Bay Estuary. The percentage of the town in the MS4 area just barely touches the Exeter River area which is part of the Great Bay Estuary. This portion of the Exeter River is the beginning which then flows into Fremont, then to Chester, back into Fremont and out to the seacoast area. It is the position of the Town of Danville that if the testing that has been done, or can be done, to determine that we are not the cause of any impairment we would not need a detailed plan to address this issue. Compliance for discharges into Estuary area/watershed/tributaries from Danville's MS-4 area in this watershed is minimal. Most of the Great Bay Estuary in Danville travels through forest and conservation land areas and does not border roadways or households.

Use of the State Stormwater Manual. Currently in the 2003 MS-4 General permit communities are required to develop their own Stormwater Management Plans and use them as guidelines and regulations of how we address our stormwater management practices based on our own rules, regulations and state laws. The Town requests guidance on why the EPA would require the use of the State Stormwater Manual as part of the regulatory mechanism.

Please be advised that additional comments to the current draft 2013 Small MS-4 General permit will be included in a comment letter being prepared by Sheehan, Phinney, Bass & Green, PA on behalf of the New Hampshire Small MS-4 Coalition.

Thank you for your review of these comments regarding the 2013 Draft Small MS 4 General Permit and taking them into consideration when working on the final permit. It is our desire to work together, as well as with other small communities in implementing a viable solution to these items and continue meaningful discussions to arrive at a successful final permit.

Respectfully,

Board of Selectmen, Shawn O'Neil, Chairman

Board of Selectmen, Chris Giordano, Vice Chairman

Board of Selectmen, Annemarie Inman

Board of Selectmen, Russell Harding

Board of Selectmen, Michelle Cooper

Road Agent, Bruce Caillouette

CC: Vicki Quiram, Assistant Commissioner, NHDES
Jeff Andrews, NHDES
Nick Cristofori, Comprehensive Environmental Incorporated (CEI)